

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Lazaro, David R.

Group/Art Unit: 2155

Atty. Dkt. No: 5181-70100

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert C. Kowert

Printed Name _____

Signature _____ Date _____

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449 and/or ☒ the additional information identified below in paragraph 3.

- ☒ A copy of each required reference listed on the Form PTO-1449 is enclosed.
- ☐ The references listed on the Form PTO-1449 were previously cited in application serial no. _____ to which the captioned application is seeking priority under 35 U.S.C. § 120; therefore, a copy of each reference is not enclosed.
- ☐ The present application is a U.S. national patent application filed after June 30, 2003, or an international application that entered the national stage under 35 USC § 371 after June 30, 2003. Therefore, copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed.

1. This Information Disclosure Statement is submitted:

- a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;
☐ before the mailing date of a first Office Action on the merits; or
☒ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 (submitted with electronic IDS).
- c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

2. It is hereby certified:

- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty (30) days prior to the filing of the information disclosure statement;
- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Statement; or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three (3) months prior to the filing of the Statement.

3. ☒ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

Office Action from U.S. Serial No. 09/696,135, mailed July 1, 2004.

The Patent Office mistakenly assigned two different Serial Nos. to this application. Applicants have notified the Patent Office of the error; however, the Patent Office appears to still have this application assigned to two different Examiner's under the two different Serial Nos. The references being cited herein are from the recent Office Action in 09/696,135. Applicants intend to allow Application No. 09/696,135 to go abandoned.

4. For each non-English language reference listed on the attached Form PTO-1449:
- ☐ reference is made to an English language translation submitted herewith, and/or
 - ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
 - ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
 - ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or
 - ☐ reference is made to the concise explanation set forth below:
5. ☐ Applicant also offers the following comments for the Examiner's consideration:
6. ☐ Also enclosed is a copy of a foreign search report citing these references.
7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C. Deposit Account No. 501505/5500-68200/RCK.

Respectfully submitted,



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Date: Oct. 13, 2004

Form PTO-1449 (modified)
List of Patents and Publications
For Applicant's Information
Disclosure Statement
(Use several sheets if necessary)

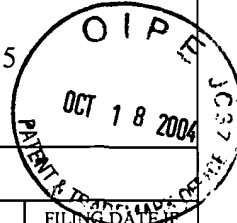
ATTY. DKT. NO. 5181-70100

APPLICANT: Slaughter, et al.

FILING DATE: October 19, 2000

SERIAL NO. 09/693,682

GROUP: 2155

**U.S. PATENT DOCUMENTS**

EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	E1	5,544,320	8/6/96	Konrad			
	E2	5,649,186	7/15/97	Ferguson			
	E3	6,073,142	6/6/00	Geiger, et al.			
	E4	6,202,089	3/13/01	Juster			
	E5	2003/0023628	1/30/03	Girardot, et al.			
	E6	2003/0233395	12/18/03	Cherian, et al.			
	E7	6,643,650	11/4/03	Slaughter, et al.			

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES/NO
	A3	384 257	8/29/90	EP			

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.